

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

METROPOLITAN LIFE INSURANCE
COMPANY,

Plaintiff-in-Interpleader,

v.

KELLY TURNER and VIRGINIA PRIGGE,

Defendants-in-Interpleader.

NO. C08-102MJP

ORDER ON MOTION TO DISMISS
AND FOR ATTORNEY'S FEES AND
COSTS

The above-entitled Court, having received and reviewed:

1. Plaintiff-in-Interpleader's Motion to Dismiss Metropolitan Life Insurance Company and for Attorneys' Fees and Costs (Dkt. No. 15)
2. Opposition to Metlife's Request for Attorneys' Fees and Costs (Dkt. No. 18)

and all exhibits and declarations attached thereto, makes the following ruling:

IT IS ORDERED that Plaintiff-in-Interpleader's motion to dismiss Metropolitan Life Insurance Company is GRANTED.

IT IS FURTHER ORDERED that Plaintiff-in-Interpleader's motion for attorneys' fees and costs is DENIED.

Discussion

Regarding Metropolitan Life Insurance Company's ("Metlife") request for attorneys' fees and costs, the Court notes that no response was forthcoming to the argument by Defendant-in-Interpleader Prigge that there is no support in case law for Defendant-in-Interpleader Turner's claim (see Egelhoff v. Egelhoff, 532 U.S. 141 (2001)) and that having the children of the deceased (the beneficiaries of the policy issued by Metlife) bear the costs of Turner's allegedly frivolous suit is unfair.

1 Resolving disputed claims is “part of the ordinary course of business for an insurance
2 company,” and the Court will not permit an interpleader action to be used to transfer ordinary costs of
3 doing business to claimants under a disputed policy. Mutual of Omaha v. Dalby, 531 F.Supp. 511,
4 517 (E.D.Pa. 1982).

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6 The clerk is directed to provide copies of this order to all counsel of record.

7 Dated: June 17, 2008

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10 Marsha J. Pechman
11 U.S. District Judge
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